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NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

ARMANDO VARGAS-AVILA,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 05-76486

Agency No. A79-572-947

MEMORANDUM *

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted November 13, 2007 **

Before: TROTT, W. FLETCHER, and CALLAHAN, Circuit Judges.

Armando Vargas-Avila, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order adopting and affirming an immigration judge's ("IJ") decision denying his application for withholding of

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

removal and protection under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence. *Ramos-Vasquez v. INS*, 57 F.3d 857, 861 (9th Cir. 1995) (reviewing denial of withholding); *Zheng v. Ashcroft*, 332 F.3d 1186, 1193 (9th Cir. 2003) (reviewing denial of CAT protection). We deny the petition for review.

Vargas-Avila conceded that he did not suffer past persecution. Substantial evidence supports the agency’s determination that he failed to establish a well-founded fear of future persecution for withholding. The record does not compel the conclusion that more likely than not, he would be harmed if he returned to Mexico. *See Hakeem v. INS*, 273 F.3d 812, 816-17 (9th Cir. 2001).

Substantial evidence also supports the agency’s determination that Vargas-Avila failed to establish it is more likely than not that he would be tortured if he returned to Mexico. Vargas-Avila has not presented any evidence of possible torture, the record only includes examples of Mexico’s general crime problems, and in his original asylum application Vargas-Avila stated that he did not fear torture in Mexico. *See Zhang v. Ashcroft*, 388 F.3d 713, 721-22 (9th Cir. 2004).

PETITION FOR REVIEW DENIED.